

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of	)	
	)	
Defining Primary Lines	)	CC Docket No. 97-181
	)	
Classification of Centrex	)	
Type Dormitory Lines	)	

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARYREPLY

BellSouth Telecommunications, Inc. ("BellSouth") makes this reply to the opposition of AT&T Corp. ("AT&T") and comments of MCI WorldCom ("MCIW") which were submitted in response to BellSouth's petition for waiver, filed June 16, 1999, in the above-captioned proceeding. Neither of the commenting parties has raised any issue tending to refute the demonstration made by BellSouth. As discussed below, BellSouth has identified particularized circumstances which amply support grant of the petition and accordingly is deserving of favorable action on its waiver request.

DISCUSSION

In arguing against a BellSouth waiver, AT&T makes essentially two points: (1) that BellSouth has failed to show "unique circumstances or special hardship" justifying a waiver; and (2) that appropriate billing is easily accomplished by subtracting the number of dormitory rooms from the total number of residential lines and assessing the difference at the non-primary rate. Both these objections are frivolous.<sup>1</sup>

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<sup>1</sup> AT&T also implies that BellSouth's initial classification of Centrex dormitory lines as primary residential in some manner constituted a violation of Commission rules. AT&T, p. 1. As BellSouth stated in its waiver petition, this action was taken in 1997, two years before the Commission adopted its own definition of the primary/non-primary classifications.

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To meet the standard for a waiver, BellSouth need not show that it alone is adversely impacted by the requirement to apply a two-tiered rate structure to Centrex type dormitory lines; and, in fact, other participants in the Defining Primary Lines docket proceeding have objected to such a rule on the basis of considerations analogous to those described by BellSouth.<sup>2</sup> To support its request, BellSouth has provided company-specific information as to the manner of provisioning Centrex type services, the number of customers affected, and the modifications to ordering and billing procedures necessary to implement a two-tiered rate structure. In the aggregate these circumstances provide evidence of individual need which is more than sufficient to meet the standard articulated and applied by the Commission over many years, notwithstanding AT&T's formalistic arguments to the contrary.

AT&T further argues that the complexities of billing Centrex dormitory lines are easily resolved by subtracting the number of dormitory rooms from the number of residential lines and billing the balance as non-primary. This suggestion betrays AT&T's ignorance both of the manner in which Centrex type services are provisioned and the manner in which students are housed in modern dormitory arrangements.

BellSouth offers two basic serving arrangements for Centrex dormitory lines. Under the first arrangement the Centrex customer (college or university) possesses customer data change functionality, allowing it to add or change dormitory service at will. It is impossible for BellSouth to maintain accurate line count records in such circumstances. Moreover, individual students may elect to order residential service directly from BellSouth or from a competitive

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<sup>2</sup> See Association for Telecommunications Professionals in Higher Education ("ACUTA"), *Petition for Reconsideration*, filed May 5, 1999; Moultrie Independent Telephone Company, *Petition for Reconsideration*, filed May 5, 1999; Brown University, *Petition for Reconsideration*, filed May 5, 1999. In such circumstances the Commission might find it appropriate to grant an industry-wide waiver—a practice it has used in other contexts and one

local exchange carrier ("CLEC"). BellSouth has no system in place to associate this service with a location where Centrex dormitory service is also provided. Even where BellSouth performs line adds and disconnects on behalf of the institution (the second arrangement), the availability of other service (whether BellSouth or CLEC provided) again renders maintenance of an accurate residential line count problematic at best.

Nor is the other part of AT&T's suggested equation, *i.e.*, the number of dormitory rooms, so easily ascertained. Many educational institutions no longer have individual dormitory rooms. Students at these institutions may live in "suites," where telephones are centrally located and shared by all the residents. In addition, lines into the suite do not necessarily support traditional telephone service; some may be used to provide Internet access, facsimile service, etc. In light of these developments, the application of AT&T's simplistic formula is unlikely to produce results which are either accurate or equitable.<sup>3</sup>

MCIW does not address the merits of BellSouth's waiver request but complains that no waiver should be granted until BellSouth demonstrates compliance with a Commission requirement to provide line classification data through the Customer Account Record Exchange ("CARE") system.<sup>4</sup> MCIW's objection is disingenuous. The industry's Ordering and Billing Forum ("OBF") did not finalize specifications and format of the CARE record changes needed to accommodate the PICC class of customer indicator until November 6, 1998. BellSouth implementation planning began soon after issuance of the Commission directive and continued

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which has already been recommended for rating Centrex type services. *Comments of Bell Atlantic*, filed June 30, 1999.

<sup>3</sup> It should be noted that AT&T's purported solution does not even attempt to identify *which* line should be the recipient of primary rate treatment.

<sup>4</sup> See In the Matter of MCI Emergency Petition for Prescription, CC Docket No. 97-250, CCB/CPD No. 98-12, DA 98-1046, *Memorandum Opinion and Order*, released June 3, 1998.

after the release of final specifications by OBF, ultimately resulting in the database conversion of 23 million customer accounts and a resource outlay approaching 2000 programming hours. In February 1999, MCIW and other carriers were advised of a target implementation date of July 1, 1999. This date was confirmed in a notice transmitted to the carriers in May 1999. However, as recently as June 29, 1999, MCIW advised BellSouth that it had not completed modifications to its own system which were necessary to process information in the new CARE data field. Implementation in all BellSouth states was effected as scheduled on July 1. MCIW's charge of noncompliance with this Commission directive is therefore baseless.<sup>5</sup>

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<sup>5</sup> As an interim measure, BellSouth provided line class information to MCIW and other carriers through a "snapshot" taken on the last Friday of each month and passed to the Carrier Access Billing System ("CABS") for rating and billing PICC charges.

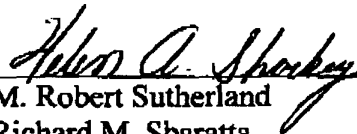
### CONCLUSION

BellSouth's filing presents evidence which is more than adequate to meet the legal standard. Neither AT&T nor MCIW has offered any credible basis for denial of the petition. The Commission should therefore act favorably on BellSouth's request by granting a waiver to permit all Centrex type lines serving college and university dormitories to be classified as primary residential for purposes of assessing presubscribed interexchange carrier charges and subscriber line charges.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I do hereby certify that I have this 7<sup>th</sup> day of July 1999 served the following parties to this action with a copy of the foregoing REPLY by hand delivery or by placing a true and correct copy of the same in the United States Mail, postage prepaid, addressed to the parties listed on the attached service list.

  
Juanita H. Lee

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